

ORDINANCE No. 188268

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2006, the City Council granted a franchise to NewPath Networks, LLC, to build and operate wireless facilities within the City's streets. Ordinance No. 180376.
2. The Council has extended the term of the franchise three times. Ordinance No. 184797; Ordinance No. 185775; and Ordinance No. 186949.
3. City staff continues to work with telecommunications industry representatives in an effort to standardize and modernize the terms and conditions of all franchises.
4. City staff recommends that the Council extend the existing franchise to allow time for the parties to complete negotiations and to formally conclude the Portland City Charter procedure for franchises, which can take up to four months or more from the date of required initial publication.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 180376 is hereby amended to extend the term of the franchise, continuously and without interruption, to August 31, 2018.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, NewPath Networks, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by NewPath Networks, LLC meeting the approval of the City Attorney. Any failure on the part of NewPath Networks, LLC to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

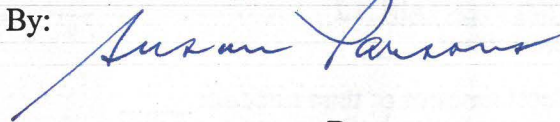
Passed by the Council:

MAR 08 2017

Mayor Ted Wheeler
Prepared by: MR/BEW
February 2, 2017

Mary Hull Caballero
Auditor of the City of Portland

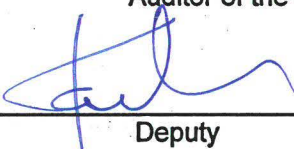
By:



Deputy

Agenda No. 188268
ORDINANCE NO.
Title

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| INTRODUCED BY Commissioner/Auditor: Mayor Wheeler | CLERK USE: DATE FILED <u>FEB 21 2017</u> |
| COMMISSIONER APPROVAL | Mary Hull Caballero Auditor of the City of Portland By:  Deputy |
| Mayor—Finance & Administration - Wheeler <i>W</i> | |
| Position 1/Utilities - Fritz | |
| Position 2/Works - Fish | |
| Position 3/Affairs - Saltzman | |
| Position 4/Safety - Eudaly | |
| BUREAU APPROVAL | ACTION TAKEN: |
| Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom | MAR 01 2017 PASSED TO SECOND READING MAR 08 2017 9:30 A.M. |
| Prepared by: Melvin Riddick Date Prepared: 2/6/17 | |
| Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| City Auditor Office Approval: | |
| City Attorney Approval: <i>Benjamin Walters</i> | |
| Council Meeting Date March 1, 2017 | |

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| AGENDA |
| TIME CERTAIN <input type="checkbox"/> Start time: _____ |
| Total amount of time needed: _____ (for presentation, testimony and discussion) |
| CONSENT <input checked="" type="checkbox"/> |
| REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) |

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|--------------------|-------------------------------------|------|
| | YEAS | NAYS |
| 1. Fritz | <input checked="" type="checkbox"/> | |
| 2. Fish | <input checked="" type="checkbox"/> | |
| 3. Saltzman | <input checked="" type="checkbox"/> | |
| 4. Eudaly | <input checked="" type="checkbox"/> | |
| Wheeler | <input checked="" type="checkbox"/> | |